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As I said at the beginning I find little in this truly great work which is open to criticism. Its nomenclature is sometimes a little confusing to an American reader. The author does not make those distinctions between society and the state and between the state and the government, to which Americans are accustomed. But we must remember that the English constitution itself does not realize these distinctions in institutions with anything like the degree of completeness that is to be found in American constitutions.

No library of political science and public law will hereafter be complete without Sir William R. Anson's work.

JOHN W. BURGESS.

*The Clarke Papers.* Edited by C. H. Firth. Volume I. Printed for the Camden Society, 1891. — 442 pp.

William Clarke was secretary to the Council of the Army from 1647 to 1649, and from 1651 to the Restoration was secretary to General Monk and the army of occupation in Scotland. His voluminous papers have till recently lain unused in the library of Worcester College, Oxford. Mr. Firth has now, with great knowledge and care, edited that part of the collection which concerns the events of 1647. It consists of news-letters written from London and from the army, correspondence of the Agitators and debates of the Council of the Army. Taken together these form one of the most important contributions ever made to our knowledge of the struggle between the Parliament and the army, while they for the first time reveal in a clear light the conflicts of opinion within the army itself. They help to clear up a variety of obscure and disputed points in the career of Cromwell. Not the least valuable feature of the collection is a number of hitherto unpublished speeches of Cromwell, enough to fill some thirty quarto pages. The debates also show that Henry Ireton was the ablest political thinker in the army, and that upon him chiefly devolved the task of combating the opinions of the Levellers. The debates are preserved in the form of notes taken by Clarke. These are imperfect and often obscure, but Mr. Firth, by careful transpositions of the text and by the addition of paraphrases in the form of footnotes, has in nearly all cases succeeded in making the meaning of the speakers clear. An elaborate and scholarly preface supplies the historic connections which make the documents intelligible.

The material contained in this volume illustrates more or less fully the events in the quarrel between Parliament and the army from its beginning in March, 1647. Early in June the Council of the Army was formed. It consisted of the generals, together with two commissioned officers and two privates chosen from each regiment. By this act the

officers identified themselves as fully as possible with the cause of the soldiers, while they aimed to control and moderate the efforts of the Agitators. In the Council the Agitators were represented and their opinions were ably defended. In this volume very full reports of two debates held by this body are printed ; the one occurred at Reading July 16 and the other at Putney October 28-30. The importance of these discussions entitles them to special notice, though it be to the exclusion of further reference to the other contents of the volume.

The question under debate at Reading was, whether or not the army should immediately advance on London and force Parliament to grant the demands of the Agitators. Cromwell urged that this should not be done. He desired that an agreement should be reached with Parliament in a peaceful way. While terms of "treaty" between the two were under discussion, it would be well for the army to state clearly its demands and to insist upon an unequivocal reply, but it should not proceed further till all hope of a peaceful settlement had vanished.

I desire [said the general] that nothing of heat or earnestness may carry us here, nor nothing of affirmation, nor nothing of that kind may lead us, but that which is truly reason, and that which hath life and argument in it. Shall we quarrel with every dog in the street that barks at us, and suffer the kingdom to be lost with such a fantastical thing?

In this debate the broad, tolerant and eminently practical spirit of the great leader appears as conspicuously as in those later utterances which Carlyle has made so familiar to the world.

The debate at Putney turned chiefly upon questions of theoretical politics. The army had already occupied London and had forced Parliament to bend to its will. Ireton's Heads of Proposals had been submitted to the King as a basis of settlement. While professing himself well satisfied with most that this document contained, Charles sought to use it and its authors as a means of obtaining still better terms from Parliament. The Levellers within the army and without now began to demand that negotiation with the King should cease, but Cromwell and Ireton were not willing to agree to this. Thereupon the charge of deceit and hypocrisy was renewed against Cromwell and urged with greater violence than ever before. A new set of Agitators was chosen in the camp. The *Case of the Army truly stated* was issued as the manifesto of the extremists, and the Agreement of the People as their scheme of constitutional reform. The merits of this scheme were the subject under discussion at Putney. Cromwell presided. Ireton was the mouthpiece of the believers in constitutional reform, Rainsborough and Wildman of those who would establish a system of ideal justice by revolutionary methods. Cromwell called attention at the outset to the danger of

adopting ideal schemes, because an indefinite number of such, with conflicting provisions, might be proposed. After much interesting debate, the first article of the Agreement of the People, that concerning suffrage, was taken up. Immediately issue was joined upon the question whether or not, under the reformed system of government, manhood suffrage should exist. Wildman had already proclaimed in the Council the doctrine of natural right, and Ireton had strongly protested against it. In true English fashion Ireton saw civil rights reflected most clearly in the institution of property, and that he based on contract. Those only should vote, said he, who had a permanent interest in the country, as evidenced by the possession of an estate. Manhood suffrage would be destructive of property. But in the mouth of Rainsborough the doctrine of natural right assumed a form very characteristic of the man and the time. He called it the "birthright" of all Englishmen. This was a vague generalization from Anglo-Saxon life—a condition of supposed freedom and equality prior to the enslavement of England by the Normans, and hence limiting statute law. The "birthright" was supposed to include among other things the right to vote at elections, and those who possessed it put themselves under government by their individual consent. It was to restore the primitive equality in property and suffrage, that the army had fought during the recent war. Ireton replied that the object striven for in the war had been to rescue the country from subjection to the will of a single man and to secure a hearing through a representative body for all property holders and remotely for all others. He utterly refused to base suffrage on the idea of birthright.

The debate then passed to the question of royalty and nobility. The Levellers desired the abolition of both. In the Agreement of the People, as Wildman explained, an effort had been made to secure certain rights against the arbitrariness of both king and Parliament. In fact, within that idea lay the germ of the modern written constitution. Ireton, in reply, claimed that his Heads of Proposals secured the same result, and foreshadowed in his speech the present condition of the English crown, with its latent veto power. He argued that the king was bound by his coronation oath not to dissent from laws which the representatives of the nation had passed. Upon this subject the debate continued at great length. The Levellers were hopelessly in the minority and, though no formal decision was reached, Ireton's ideas prevailed. This discussion furnishes an added proof of the essentially modern character of the Puritan Revolution. We stand here near the source of those currents of political opinion which were to agitate England during the Commonwealth, and largely to determine the course of her later constitutional development.

HERBERT L. OSGOOD.